



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GARDERE / JAMES HARDIE
GARDERE WYNNE SEWELL, LLP
1601 ELM STREET
SUITE 3000
DALLAS TX 75201

COPY MAILED

AUG 04 2008

In re Application of
Goodwin, et al.
Application No. 10/070,218
Filed: July 19, 2002
Attorney Docket No. 131279-1016
For: EXTRUDABLE CEMENTITIOUS
MATERIAL

:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed May 28, 2008, requesting that the Office withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

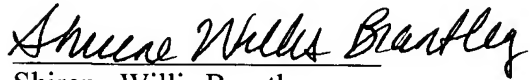
This application was held abandoned for failure to respond in a timely and proper manner to the non-final Office action, mailed October 12, 2007, which set forth an extendable three (3) month period for reply. A Notice of Abandonment was mailed on May 16, 2008.

Petitioners request withdrawal of the holding of abandonment based on the assertion that a request for a three month extension of time and an amendment were timely received in the Office on April 11, 2008. The undersigned finds this argument completely convincing, as these documents are present in the application file and Office financial records shows that the required three month extension of time fee was charged on April 11, 2008. Therefore, the three month extension of time and amendment were timely filed.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the May 16, 2008 Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter.

Accordingly, the application file will be forwarded to Technology Center A.U. 1793 for consideration of the amendment filed on April 11, 2008.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy